IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.730 OF 2004
IN
APPEAL (LODGING) NO.74 OF 2004
IN
WRIT PETITION NO.3104 OF 2002

1. Maharashtra Housing and Area
Development Authority, Mumbai & anr. Appellants

vs.

1. Unit Trust of India & anr. Respondents

Mr.G.W.Mattos, A.G.P. for the appellants.

Mr.A.S.Kamat i/b. M/s.Humranwala & Co. for the respondent no.1.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 28th October 2004

P.C.

The appeal suffers from the delay of 203 days. It appears from the affidavit in support of the notice of motion that there was some slackness on the part of the appellants in preferring the appeal, but there was no deliberate delay or negligence. Taking overall facts and circumstances of the case, we are satisfied that the appellants were prevented by sufficient cause in filing the appeal belatedly and the inconvenience caused to the respondent no.1 can be compensated by award of reasonable cost.

2. We, accordingly, condone the delay in filing the appeal subject to the appellants paying the cost of Rs.10,000/- to the first respondent within three weeks from today.

3. Notice of motion is disposed of accordingly.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)